

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 201808024	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/20/2018 6:00 PM	Location of Incident: Intersection of 205th Street and Murdock Avenue	Precinct: 113	18 Mo. SOL 3/20/2020	EO SOL 11/4/2020	
Date/Time CV Reported Thu, 09/20/2018 7:16 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/27/2018 11:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yevgeniy Zaytsev	12848	949825	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Orton	16492	964197	113 PCT
2. POM Ariel Klepadlo	24084	964096	113 PCT
3. POM John Silvestro	31886	955494	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yevgeniy Zaytsev	Abuse: Police Officer Yevgeniy Zaytsev threatened to arrest § 87(2)(b)	

Case Summary

On September 20, 2018, § 87(2)(b) filed this complaint via telephone with the Internal Affairs Bureau (IAB) on behalf of her coworker, § 87(2)(b). On September 27, 2018, the Civilian Complaint Review Board (CCRB) received this complaint under IAB Log #2018-37433.

On September 20, 2018, at approximately 6:00 p.m., near the intersection of 205th Street and Murdock Avenue in Queens, Police Officer Yevgeniy Zaytsev and Police Officer John Orton, both of the 113th Precinct, stopped the white 2013 Infinity, which § 87(2)(b) was driving, for having tinted windows above the legal limit. During the stop, PO Zaytsev threatened to arrest § 87(2)(b) the front passenger and owner of the vehicle (**Allegation A: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was issued five summonses for tinted windows passed the legal limit.

The investigation did not obtain video footage related to this incident.

On April 18, 2019, this case was reassigned from Investigator Wassim Abedrabbo to Investigator Chris Olmsted.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Yevgeniy Zaytsev threatened to arrest

§ 87(2)(b)

It is undisputed that § 87(2)(b) vehicle has dark tinted windows (**Board Review 01**). It is also undisputed that while attempting to measure the tint on the front passenger window, PO Zaytsev told § 87(2)(b) to adjust the window, and § 87(2)(b) did not comply (**Board Review 02**) (**Board Review 03**).

A vehicle operated on any public highway, road, or street may not have side windows with a light transmittance of less than 70%. New York State Vehicle and Traffic Law Section 375 12-a(b) (**Board Review 04**)

A person is guilty of obstructing governmental administration when they intentionally obstruct, impair, or pervert the administration of law, or when they prevent or attempt to prevent a public servant from performing an official function by means of interference. New York Penal Law Section 195.05 (**Board Review 05**)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 06**).
- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- PO Zaytsev has been a member-of-service for eight years and has been a subject in 16 CCRB complaints and 28 allegations, one of which was substantiated.
 - Case #201411788 involved a substantiated allegation of Abuse of Authority – Vehicle Stop against PO Zaytsev. The board recommended charges and PO Zaytsev was found not guilty after an APU trial.
 - § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- On October 15, 2018, this case was sent to mediation, and on February 27, 2019, the case was returned to investigation § 87(2)(g) [REDACTED]
- As of May 2, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 08**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]

Squad No.: **09**

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date